

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HERBERT G. MENTEL,

Plaintiff,

vs.

EXPRESS SCRIPTS, INC.,

Defendant.

**4:15CV3080**

**FINDINGS, RECOMMENDATION,  
AND ORDER**

Plaintiff Herbert G. Mental passed away on July 30, 2015. His former counsel, Randall L. Goyette and the firm of Baylor Evnen Curtiss Gruit & Witt were granted leave to withdraw on October 23, 2015. (Filing No. 18). The order granting counsel's leave to withdraw stated:

If Plaintiff intends to pursue this case, on or before November 13, 2015, Plaintiff's successor or representative shall: a) file a motion for substitution; and b) obtain the services of counsel and have that attorney file an appearance on Plaintiff's behalf, in the absence of which the court may dismiss Plaintiff's claims without further notice.

(Filing No. 18).

The order was mailed to Plaintiff's next of kin, Tyler Mental. This mailing was not returned. Mr. Mental has not responded to the court's request.

Accordingly,

IT IS RECOMMENDED to the Honorable Richard G. Kopf, United States District Judge, pursuant to 28 U.S.C. § 636(b), that Plaintiff's claims be dismissed for want of prosecution and without further notice.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

IT IS FURTHER ORDERED: The clerk shall mail a copy of this recommendation to Tyler Mentel at 207 W. York, DeWitt, Nebraska, 68341.

Dated this 10th day of December, 2015

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge